

By: Tepper

H.B. No. 1006

A BILL TO BE ENTITLED

AN ACT

relating to protected expression, intellectual freedom, and viewpoint diversity at public institutions of higher education.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 51.354, Education Code, is amended to read as follows:

Sec. 51.354. INSTITUTIONAL RESPONSIBILITY. In addition to specific responsibilities imposed by this code or other law, each institution of higher education has the general responsibility to ~~serve the public and, within the institution's role and mission, to~~:

(1) permit the diffusion of ~~transmit~~ culture through general education;

(2) facilitate the discovery, improvement, and dissemination of ~~extend~~ knowledge;

(3) teach and train students for professions;

(4) provide for scientific, engineering, medical, and other academic research;

(5) protect intellectual exploration and academic freedom;

(6) strive for intellectual excellence;

(7) provide educational opportunity through ~~for all who can benefit from~~ postsecondary education and training; ~~and~~

(8) provide continuing education opportunities;

1 (9) foster a diversity of viewpoints; and
2 (10) maintain political, social, and cultural
3 neutrality.

4 SECTION 2. Section 51.9315(a)(2), Education Code, is
5 amended to read as follows:

6 (2) "Expressive activities" means any speech or
7 expressive conduct protected by the First Amendment to the United
8 States Constitution or by Section 8, Article I, Texas Constitution,
9 and includes assemblies, protests, speeches, the distribution of
10 written material, the carrying of signs, ~~and~~ the circulation of
11 petitions, and published or unpublished faculty research,
12 lectures, writings, and commentary. The term does not include
13 commercial speech.

14 SECTION 3. Section 51.9315, Education Code, is amended by
15 amending Subsection (f) and adding Subsection (k) to read as
16 follows:

17 (f) Each institution of higher education shall adopt a
18 policy detailing students' rights and responsibilities regarding
19 expressive activities at the institution. The policy must:

20 (1) demonstrate a commitment to intellectual freedom
21 and viewpoint diversity;

22 (2) prohibit:

23 (A) the funding, promotion, sponsorship, or
24 support of:

25 (i) any office of diversity, equity, and
26 inclusion; and

27 (ii) any office that funds, promotes,

1 sponsors, or supports an initiative or formulation of diversity,
2 equity, and inclusion beyond what is necessary to uphold the equal
3 protection of the laws under the Fourteenth Amendment to the United
4 States Constitution; and

5 (B) the endorsement or dissuasion of, or
6 interference with, any lifestyle, race, sex, religion, or culture.

7 (3) allow:

8 (A) any person to, subject to reasonable
9 restrictions adopted under Subsection (d), engage in expressive
10 activities on campus, including by responding to the expressive
11 activities of others; and

12 (B) student organizations and faculty to,
13 subject to Subsection (h), invite speakers to speak on campus;

14 (4) [~~(2)~~] establish disciplinary sanctions for
15 students, student organizations, or faculty who unduly interfere
16 with the expressive activities of others on campus;

17 (5) [~~(3)~~] include a grievance procedure for
18 addressing complaints of a violation of this section;

19 (6) [~~(4)~~] be approved by a majority vote of the
20 institution's governing board before final adoption; and

21 (7) [~~(5)~~] be posted on the institution's Internet
22 website.

23 (k) A person may bring an action for injunctive relief
24 against an institution of higher education to compel the
25 institution to comply with this section. If the person prevails in
26 the action, the court shall award reasonable attorney's fees and
27 court costs to the person. The institution shall pay the fees and

1 costs from the budget of the office of the chief executive officer
2 of the institution or the institution's system, as applicable.

3 SECTION 4. This Act takes effect September 1, 2023.